

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

David J. Dutton,

Plaintiffs,

v.

Food Lion, LLC,

Defendant.

Case No.: _____
Formerly Case No. 2022CP0400506

NOTICE OF REMOVAL

TO: THE UNITED STATES COURT:

Defendant, Food Lion, LLC, would respectfully show the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on March 8, 2022 in the Court of Common Pleas for Anderson County, South Carolina. Attached for the Court are copies of Plaintiff's Summons and Complaint filed as state court documents. The Complaint is the first pleading served upon the Defendant in this action and service was effected on March 9, 2022.

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff is a resident and citizen of the State of South Carolina. Defendant is incorporated in the State of North Carolina and has its principal place of business in the State of North Carolina. The action has been brought by the Plaintiff against the Defendant for the alleged accident which occurred in Anderson County, South Carolina.

3. Venue is proper in this matter in the Anderson Division of this Court in accordance with 28 U.S.C. §1441(a).

4. Upon information and belief, the amount in controversy in this matter exceeds \$75,000.00 based on Plaintiff's response to Request for Admission received April 20, 2022 which indicated that the amount in controversy exceeds \$75,000.00. Pursuant to 28 U.S.C. §1446(b)(3), §1446(c)(3)(A) the Plaintiff's response to the Request for Admission was the "paper from which it may be first ascertained that the case is one which is or has become removable." Therefore, removal is timely under 28 U.S.C. §1446(b).

6. Defendant will furnish a copy of this Notice of Removal to the Clerk of Court for Anderson County.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/Ryan C. Holt
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ATTORNEYS FOR THE DEFENDANT

Columbia, South Carolina

May 2, 2022